



# CITY OF CONCORD

## NEW HAMPSHIRE

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Revised 9/11/09

### ECONOMIC DEVELOPMENT ADVISORY COUNCIL

#### Minutes

August 28, 2009

7:30 A.M.

The meeting convened in City Council Chambers, 37 Green Street, Concord. Coffee and refreshments were served.

Chairperson Carley called the meeting to order at 7:35 A.M.

**PRESENT:** Tim Bernier, Doug Black, Christopher Carley, Byron Champlin, Peter Cook, Larry Gloekler, John Hoyt, Jan McClure, Bill Norton, Dan St. Hilaire, Claudia Walker, and Stephen Heavener

**ABSENT:** Allen Bennett, Maura Carroll, and Mark Coen

**STAFF:** Carlos Baía, Deputy City Manager - Development  
Matt Walsh, Asst. for Special Projects  
Bev Rafferty, Administrative Assistant

#### **I. MINUTES OF THE JULY 31, 2009 EDAC MEETING**

Byron Champlin made a motion to accept the minutes as written; seconded by Bill Norton; motion passed unanimously.

#### **II. EDAC REGULATIONS SUB-COMMITTEE FINAL REPORT - CONTINUED REVIEW**

Chairperson Carley briefly reviewed what had transpired at last month's meeting. There was some discussion regarding **Section 1, item 5** recommending allowing applicants to make the initial presentation directly to the PB or ZBA.

No change was made to this recommendation.

**Section 1, item 6: Encourage site walks by board members** - There are some concerns that board members may be unfamiliar with a location which could influence their decision.

Tim Bernier commented that almost every planning board he deals with does site walks except Concord. Jan McClure noted Planning Board has done site walks for large projects but the number of sites that are on the Planning Board agenda have

been onerous. Bill Norton felt if even a couple of people can do the site walk, they could inform the Board of what they saw. It was also noted that in Concord most of the people know the site already.

Jan McClure commented that it was fine to encourage site walks by board members but not make it mandatory. Tim Bernier spoke of applicants and abutters and how they do not feel Planning Board members understand their projects. A site walk is critical to that. If there is only one project, the site walk could be done the same day as the board meeting.

General consensus: item # 6: EDAC voted in the affirmative for general consensus on this item.

**Section 1, item 7: Consider term limits for all City boards** - Chairperson Carley informed EDAC that there are no term limits at this time. There was some discussion at the sub-committee meetings that it would be good to have some term limits but countered with losing institutional memory when this occurs.

Byron Champlin noted that there should be a way to refresh a committee. Term limits could be healthy for the boards.

Bill Norton noted it can be challenging to find qualified people who want to serve on boards.

Tim Bernier has spoken with some prior planning board members and they feel term limits would be a good idea and some thought three terms (9 years) should be the maximum.

It was noted that a board member could move to other boards and committees when their terms expired and the city, as a whole, would benefit from that.

Peter Cook commented that term limits made sense to him and that probably the same discussion will happen when this is proposed to City Council.

General consensus: item # 7: EDAC voted in the affirmative for general consensus on this item.

**Section 1, item 8: Direct the City staff to establish guidelines regarding the submittal of plan details and the timelines of responses** - Chairperson Carley noted there was a lot of discussion at the sub-committee meetings on this item. City staff is pretty flexible and there was a concern not to eliminate that flexibility with this recommendation.

Bill Norton commented that receiving faxes on a Friday afternoon with staff comments can be a challenge when getting ready for the meeting on Wednesday night.

In defense of staff, Carlos Baía noted that staff also gets comments or changes on afternoons of board meeting days. This is a concern of itself. Jan McClure noted it is hard on Planning Board members to get something at meeting that the staff has not had time to review. Tim Bernier noted that staff has no responsibility to bring anything forward when they get it on Planning Board meeting day.

Carlos Baía gave a review of the process now in place; application is received, circulated for comments and usually there is need for clarification on some items. Tim Bernier noted there is a very detailed checklist for each planning application. He also noted that applicants receive comments back, some times within a week, other times 4 days before Planning Board and they try to respond to them.

One problem noted is that comments get back to the applicant but the applicant may not understand them. It was suggested that comments be framed with a reference to the pertinent RSA, or zoning ordinance or section of regulations. Larry Gloekler inquired if there could be just one comment sheet that included each department's comments. Carlos Baía informed EDAC that they had tried to do that. On major site plans, it would probably work as this is a two month process. The problem is working on minor site plans; a one month turn around time line is tight.

It was asked if there could be a separate submittal date for major and minor applications but some EDAC members were hesitant to change submittal dates.

Jan McClure felt 30 days should be fine; staff would have two weeks to provide comments; applicants should only have a week to respond to comments, then staff would still have a week to get ready for Planning Board. Tim Bernier noted, however, that it can take two business days to get clarification on some comments. Peter Cook inquired if applications could be submitted 35 days ahead vs. 30 days so staff would not be so overwhelmed to get comments out.

One problem noted by Carlos Baía is that applications are submitted that are not complete and those take time from other reviews. He indicated that it has been the City's practice to work with incomplete applications to try to bring them to an acceptable level. If not, the alternative would be to clearly state that the deadline is firm with incomplete applications being rejected. Carlos Baía understood this to be the practice years ago but was changed due to pressure from the community and Council to be more accommodating.

Byron Champlin noted the ultimate goal has been to make the process more responsive particularly toward the smaller projects.

Chairperson Carley commented that rather than make a recommendation to the city at large, EDAC had this discussion with Carlos Baía and he understands the issues so let's leave it with him at the time. Other EDAC members felt this was a staff as well as applicant problem so it was decided to reword this item as follows:

***“Establish guidelines regarding the submittal of plan details and the timeliness of responses from both staff and applicants.”***

General consensus: item # 8: EDAC voted in the affirmative for general consensus on the reworded item.

**Section 1, item 9: Reduce overlap between Fire Department and Code Administration in terms of site plan and building permit review -**

Chairperson Carley noted this has been an issue over the years stemming from the overlap in reviews based on the International Building Code and the Life Safety Code. The former is the purview of the Code Administration Office, the latter of the Fire Department although they touch upon similar areas at times.

There was discussion regarding the Code Administrator's authority to overrule the Fire Department's decision. Some members felt Concord should strengthen the wording to make the Code Administrator more comfortable in overruling the Fire Department. It was noted this is not unique to Concord. Carlos Baía informed EDAC of measures in place to alleviate some of the potential conflicts dealing with the overlap.

It was decided this is a management issue and regulations are what they are.

General consensus: item # 9: EDAC voted in the affirmative for general consensus on this item.

***Zoning Elements That Warrant Transfer to Site Plan Regulations:***

Chairperson Carley informed EDAC that a lot of this came from discussion at the sub-committee meetings. What this section refers to is something handled through planning but zoning addresses it also and it could be a double jeopardy matter.

***(Peter Cook left the meeting at 8:35 A.M.)***

**Items 1 and 2 - Buffer requirements and Parking requirements:** EDAC members noted that the Zoning Board has to follow tightly defined legal constraints. However, the planning review process should be more of a conversation held with the Planning Board with the Board having authority to grant waiver based on the circumstances of the individual application.

Parking requirements were another issue - currently there is a lot of empty asphalt and there must be a way this could be adjusted; a way to deal with these regulations so that development does not create more parking than is actually needed.

Instead of requiring “x” number of spaces per “x” number of square feet, be somewhat flexible. Need to be sure parking does not spill over to the neighboring property as that is always a concern. Another factor are applicants that seek more parking than

is required. Chairperson Carley felt that this recommendation would allow flexibility for the city to deny such a request if appropriate.

Tim Bernier noted the intent of this section was to create flexibility; just move things from zoning to planning but the criteria will still be there.

The specific article numbers cited in the report may not be the only ones needing review. Carlos Baía agreed to delete the reference to the article numbers. General consensus was reached on this item.

**Item 3 - regarding stacking space requirements for drive-up windows:**

Chairperson Carley brought this up because there are requirements for stacking spaces at banks, fast food restaurants, pharmacies, etc. Some members felt banks have gone overboard while some fast food places do not have enough.

***(Doug Black and Stephen Heavener left the meeting at 8:50 A.M.)***

It was thought that stacking could possibly be dealt with in a similar fashion to parking. If not needed at the outset, a conditional use permit could be obtained with the area to provide it in the future.

Matt Walsh commented that stacking spaces are distinct from parking as they traverse a site and can have implications for the entire layout. This item warrants further discussion.

**III. OTHER BUSINESS - NEXT MEETING**

The next EDAC meeting will be held Friday, September 11, 2009. Larry Gloekler will host the meeting at the new branch of Laconia Savings Bank on North Main Street.

**IV. ADJOURNMENT**

There being no further business and upon a motion duly made and seconded, the meeting adjourned at 9:00 A.M.

Respectfully submitted,

Beverly A. Rafferty  
Administrative Assistant